

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1D-2012-71647

12 **JOHN GUS KARAHALIOS, P.T.A.**
13 **P.O. Box 13022**
Tucson, Arizona 85732
14 **Physical Therapist Assistant License No.**
AT 1065

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

15 Respondent.

16
17 **FINDINGS OF FACT**

18 1. On or about May 1, 2012, Complainant Rebecca Marco, in her official capacity as the
19 Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs,
20 filed Accusation No. 1D-2012-71647 against John Gus Karahalios, P.T.A. (Respondent) before
21 the Physical Therapy Board of California.

22 2. On or about March 13, 1985, the Physical Therapy Board of California (Board)
23 issued Physical Therapist Assistant License No. AT 1065 to Respondent. The Physical Therapist
24 Assistant License was in full force and effect at all times relevant to the charges brought herein
25 and expired on November 30, 2012.

26 3. On or about May 1, 2012, Cristy Livramento, an employee of the Complainant
27 Agency, served by Certified and First Class Mail a copy of Accusation No. 1D-2012-71647,
28 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code

1 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
2 was and is P.O. Box 13022 Tucson, Arizona 85732. A copy of the Accusation, the related
3 documents, and Declaration of Service are attached as Exhibit A, and are incorporated herein by
4 reference.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c).

7 On or about May 15, 2012 no Notice of Defense was returned by Respondent as is required
8 by law in order to avoid a default decision. To date, no Notice of Defense has been received. A
9 copy of the signed certified receipt green card was signed by Respondent and received by the
10 Board on June 11, 2012 which is attached as Exhibit B, and is incorporated herein by reference.

11 5. Government Code section 11506 states, in pertinent part:

12 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
13 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
14 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
15 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

16 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
17 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 1D-2012-
18 71647.

19 6. California Government Code section 11520 states, in pertinent part:

20 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
21 agency may take action based upon the respondent's express admissions or upon other evidence
22 and affidavits may be used as evidence without any notice to respondent."

23 7. The affidavit of analyst Karin J. Thompsen together with other evidentiary documents
24 is enclosed separately in evidence packet C. The facts alleged therein are deemed true and shall
25 form part of the administrative record relied upon by the agency in its determination of the issues.

26 ///

27 ///

28 ///

1 8 Pursuant to its authority under Government Code section 11520, the Board finds
2 Respondent is in default. The Board will take action without further hearing and, based on
3 Respondent's express admissions by way of default and the evidence before it, contained in
4 exhibits A, B and C, finds that the allegations in Accusation No. 1D-2012-71647 are true.

5 DETERMINATION OF ISSUES

6 1. Based on the foregoing findings of fact, Respondent John Gus Karahalios, P.T.A. has
7 subjected his Physical Therapist Assistant License No. AT 1065 to discipline.

8 2. A copy of the Accusation and the related documents and Declaration of Service are
9 attached.

10 3. The agency has jurisdiction to adjudicate this case by default.

11 4. The Physical Therapy Board of California is authorized to revoke Respondent's
12 Physical Therapist Assistant License based upon the following violations alleged in the
13 Accusation:

14 a. Respondent engaged in fraud and dishonesty in violation of sections 498, 2261,
15 2660, 2660(b), 2660(h), 2660(k), and 2684(b) as well as in violation of Title 16 California Code
16 of Regulations 1399.91(a)(1), 1399.93(a)(b) and 1399.97(a)(b)(c). The underlying circumstances
17 are that Respondent failed to submit documentation of his continuing competency for 2010
18 despite declaring under penalty of perjury that he had accumulated the minimum continuing
19 competency hours required.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

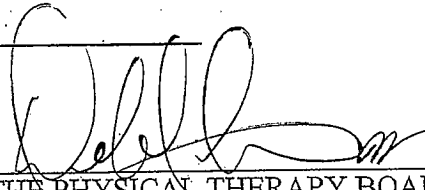
ORDER

IT IS SO ORDERED that Physical Therapist Assistant License No. AT 1065, heretofore issued to Respondent John Gus Karahalios, P.T.A., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on _____.

It is so ORDERED _____


FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

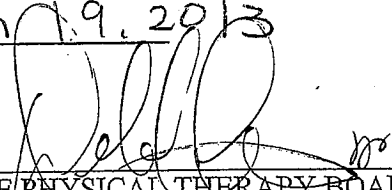
ORDER

IT IS SO ORDERED that Physical Therapist Assistant License No. AT 1065, heretofore issued to Respondent John Gus Karahalios, P.T.A., is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on April 18, 2013

It is so ORDERED March 19, 2013



FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

1 Attachments:

2 Exhibit A: Accusation No.1D-2012-71647, Related Documents, and Declaration of
3 Service

4 Exhibit B: Copy of the Certified Mail Return Green Card received by the Board

5 Exhibit D Certification of Costs: Declaration of Mara Faust

6
7 Under Separate Envelope

8 Exhibit C: Declaration of Karin J. Thompson and attached evidence.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Accusation No. 1D-2012-71647,
Related Documents and Declaration of Service

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
PHYSICAL THERAPY BOARD OF CALIFORNIA
SACRAMENTO, CA May 1, 2012
BY C. Sacramento ANALYST

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1D-2012-71647

JOHN GUS KARAHALIOS
P.O. Box 13022
Tucson, Arizona 85732
Physical Therapist Assistant License No.
AT 1065

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Rebecca Marco (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs.

2. On or about March 13, 1985, the Physical Therapy Board of California issued Physical Therapist Assistant License Number AT 1065 to John Gus Karahalios, P.T.A. (Respondent). The Physical Therapist Assistant License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2012, unless renewed.

///

///

JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2660 of the Code states:

The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

...

(b) Fraud in the procurement of any license under this chapter.

...

(h) Conviction of a violation of any of the provisions of this chapter or of the Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the Medical Practice Act.

...

(k) The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant.

5. Section 2661.5 provides in relevant part that "in any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable cost of investigation and prosecution of the case of the Code states:

6. Section 2684(b) of the Code provides in relevant part that to renew an unexpired license or approval, the licensee or the holder of the approval shall, on or before the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, pay the prescribed renewal fee, and submit proof of the completion of continuing education or competency required by the board pursuant to Article 6.5 (commencing with Section 2676).

1 7. California Code of Regulations, title 16, section 1399.91, states:

2 A(a) As required by this article, a licensee must accumulate 30 hours of continuing
3 competency hours in each license cycle. A licensee must submit evidence of completing those
4 hours to the board in order to renew his or her license. In order to implement this requirement:"

5 A(1) For licenses that expire between October 31, 2010 and October 31, 2011, if the
6 renewal is submitted prior to the expiration of the original license, 15 hours of continuing
7 competency shall be completed."

8 A(2) For licenses that expire on or after November 1, 2011, the full 30 hours shall be
9 completed."

10 A(b) AFor first-time renewals, if the renewal is submitted prior to the expiration of the
11 original license, the continuing competency hour requirements shall be one-half of the normal
12 cycle. The requirements of 1399.93 shall apply to any renewal under this subsection."

13 A(c) For those licensees accumulating 'continuing education units' or 'CEUs' under the
14 continuing education requirements of APTA and CPTA, one CEU is equal to ten hours."

15 8. California Code of Regulations, title 16, section 1399.93 states:

16 "For each renewal cycle, a licensee's continuing competency hours must include the
17 following:"

18 "(a) Two hours in ethics, laws and regulations, or some combination thereof, and"

19 "(b) Four hours in life support for health care professionals. Such training should be
20 comparable to, or more advanced than, the American Heart Association's Basic Life Support
21 Health Care Provider Course."

22 9. California Code of Regulations, title 16, section 1399.97 states:

23 "(a) Each licensee shall keep and maintain records showing that each course of activity for
24 which credit is claimed has been completed. Those records shall reflect the title of the course or
25 activity, the date taken or completed, and the record of participation."

26 "(b) Each licensee shall retain such documentation for a period of five years after the course
27 of activity concludes."

28 ///

“(c) Each licensee shall provide copies of such documentation to the board or its designee upon request.”

10. Section 498 of the Code states:

"A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact."

11. Section 2261 of the Code provides that knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct.

FIRST CAUSE FOR DISCIPLINE.

(Fraud and Dishonesty).

12. Respondent is subject to disciplinary action under sections 498, 2261, 2660, 2660(b), 2660(h), 2660(k), 2684(b), and Title 16 California Code of Regulations 1399.91(a)(1), 1399.93(a)(b) and 1399.97(a)(b)(c). The circumstances are as follows:

13. On or about December 28, 2010, Respondent signed under penalty of perjury a physical therapist assistant renewal application wherein he certified that he "had accumulated at least the minimum continuing competency hours required by Section 1399.91 of the Title 16 of the California Code of Regulations within my renewal period and prior to my license expiration date." He further certified that "if I am audited by the PTBC, I can submit evidence of my completion of the continuing competency hours." Respondent's license expiration date/renewal date was November 30, 2010.

14. On or about May 17, 2011, as part of a random continuing competency audit, Physical Therapy Board staff wrote to Respondent and requested that he submit documentation to demonstrate his compliance with his completion of the continuing competency hours. When board staff received no reply from respondent, they wrote follow up correspondence requesting Respondent document his continuing competency compliance on August 31, 2011. To date

1 Respondent has failed to respond to board staff's requests and has not documented his continued
2 competency compliance.

3 PRAYER


4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Physical Therapy Board of California issue a decision:

6 1. Revoking or suspending Physical Therapist Assistant License Number AT 1065,
7 issued to John Gus Karahalios, P.T.A.

8 2. Ordering John Gus Karahalios, P.T.A. to pay the Physical Therapy Board of
9 California the reasonable costs of the investigation and enforcement of this case, pursuant to
10 Business and Professions Code section 2661.5;

11 3. Taking such other and further action as deemed necessary and proper.
12

13 DATED: May 1, 2012

14 
REBECCA MARCO
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant
15
16
17

18 SA2012104949
19 10871511.doc
20
21
22
23
24
25
26
27
28

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1D-2012-71647

12 **JOHN GUS KARAHALIOS, P.T.A.**
13 **P.O. Box 13922**
Tucson, Arizona 85732
14 **Physical Therapist Assistant License No.**
AT 1065

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

15 Respondent.

16
17 **TO RESPONDENT:**

18 Enclosed is a copy of the Accusation that has been filed with the Physical Therapy Board of
19 California of the Department of Consumer Affairs (Board), and which is hereby served on you.

20 Unless a written request for a hearing signed by you or on your behalf is delivered or
21 mailed to the Board, represented by Deputy Attorney General Mara Faust, within fifteen (15)
22 days after a copy of the Accusation was personally served on you or mailed to you, you will be
23 deemed to have waived your right to a hearing in this matter and the Board may proceed upon the
24 Accusation without a hearing and may take action thereon as provided by law.

25 The request for hearing may be made by delivering or mailing one of the enclosed forms
26 entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in
27 section 11506 of the Government Code, to:

28 ///

1 Mara Faust
2 Deputy Attorney General
3 1300 I Street, Suite 125
4 P.O. Box 944255
5 Sacramento, California 94244-2550

6 You may, but need not, be represented by counsel at any or all stages of these proceedings.

7 The enclosed Notice of Defense, if signed and filed with the Board, shall be deemed a
8 specific denial of all parts of the Accusation, but you will not be permitted to raise any objection
9 to the form of the Accusation unless you file a further Notice of Defense as provided in section
10 11506 of the Government Code within fifteen (15) days after service of the Accusation on you.

11 If you file any Notice of Defense within the time permitted, a hearing will be held on the
12 charges made in the Accusation.

13 The hearing may be postponed for good cause. If you have good cause, you are obliged to
14 notify the Office of Administrative Hearings, Attn: General Jurisdiction, 2349 Gateway Oaks,
15 Suite 200, Sacramento, CA 95833-4231, within ten (10) working days after you discover the
16 good cause. Failure to notify the Office of Administrative Hearings within ten (10) days will
17 deprive you of a postponement.

18 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

19 If you desire the names and addresses of witnesses or an opportunity to inspect and copy
20 the items mentioned in section 11507.6 of the Government Code in the possession, custody or
21 control of the Board you may send a Request for Discovery to the above designated Deputy
22 Attorney General.

23 NOTICE REGARDING STIPULATED SETTLEMENTS

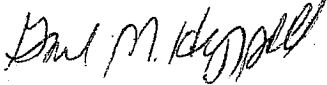
24 It may be possible to avoid the time, expense and uncertainties involved in an
25 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
26 settlement is a binding written agreement between you and the government regarding the matters
27 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
28 Physical Therapy Board of California but, once approved, it would be incorporated into a final
 order.

1 Any stipulation must be consistent with the Board's established disciplinary guidelines;
2 however, all matters in mitigation or aggravation will be considered. A copy of the Board's
3 Disciplinary Guidelines will be provided to you on your written request to the state agency
4 bringing this action.

5 If you are interested in pursuing this alternative to a formal administrative hearing, or if you
6 have any questions, you or your attorney should contact Deputy Attorney General Mara Faust at
7 the earliest opportunity.

8 Dated: April 12, 2012

KAMALA D. HARRIS
Attorney General of California
GAIL M. HEPPELL
Supervising Deputy Attorney General

11 
12 MARA FAUST
13 Deputy Attorney General
14 *Attorneys for Complainant*

15
16 SA2012104949
17 10875097.doc
18
19
20
21
22
23
24
25
26
27
28

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1D-2012-71647

12 **JOHN GUS KARAHALIOS, P.T.A.**
13 **P.O. Box 13922**
Tucson, Arizona 85732
14 **Physical Therapist Assistant License No.**
AT 1065

REQUEST FOR DISCOVERY

15 Respondent.

16
17 **TO RESPONDENT:**

18 Under section 11507.6 of the Government Code of the State of California, parties to an
19 administrative hearing, including the Complainant, are entitled to certain information concerning
20 the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code
21 concerning such rights is included among the papers served.

22 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE
23 HEREBY REQUESTED TO:

- 24 1. Provide the names and addresses of witnesses to the extent known to the Respondent,
25 including, but not limited to, those intended to be called to testify at the hearing, and
26 2. Provide an opportunity for the Complainant to inspect and make a copy of any of the
27 following in the possession or custody or under control of the Respondent:

28 ///

1 a. A statement of a person, other than the Respondent, named in the
2 initial administrative pleading, or in any additional pleading, when it is claimed that
3 the act or omission of the Respondent as to this person is the basis for the
4 administrative proceeding;

5 b. A statement pertaining to the subject matter of the proceeding made
6 by any party to another party or persons;

7 c. Statements of witnesses then proposed to be called by the
8 Respondent and of other persons having personal knowledge of the acts, omissions or
9 events which are the basis for the proceeding, not included in (a) or (b) above;

10 d. All writings, including but not limited to reports of mental, physical
11 and blood examinations and things which the Respondent now proposes to offer in
12 evidence;

13 e. Any other writing or thing which is relevant and which would be
14 admissible in evidence, including but not limited to, any patient or hospital records
15 pertaining to the persons named in the pleading;

16 f. Investigative reports made by or on behalf of the Respondent
17 pertaining to the subject matter of the proceeding, to the extent that these reports (1)
18 contain the names and addresses of witnesses or of persons having personal
19 knowledge of the acts, omissions or events which are the basis for the proceeding, or
20 (2) reflect matters perceived by the investigator in the course of his or her
21 investigation, or (3) contain or include by attachment any statement or writing
22 described in (a) to (e), inclusive, or summary thereof.

23 For the purpose of this Request for Discovery, "statements" include written statements by
24 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical
25 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or
26 summaries of these oral statements.

27 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery
28 should be deemed to authorize the inspection or copying of any writing or thing which is

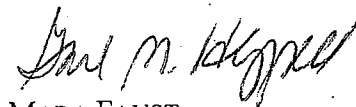
1 privileged from disclosure by law or otherwise made confidential or protected as attorney's work
2 product.

3 Your response to this Request for Discovery should be directed to the undersigned attorney
4 for the Complainant at the address on the first page of this Request for Discovery within 30 days
5 after service of the Accusation.

6 Failure without substantial justification to comply with this Request for Discovery may
7 subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the
8 Government Code.

9 Dated: April 12, 2012

KAMALA D. HARRIS
Attorney General of California
GAIL M. HEPPELL
Supervising Deputy Attorney General



MARA FAUST
Deputy Attorney General
Attorneys for Complainant

10
11
12
13
14
15
16
17
18
19
20 SA2012104949
10875097.doc
21
22
23
24
25
26
27
28

COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**JOHN GUS KARAHALIOS, P.T.A.
P.O. Box 13922
Tucson, Arizona 85732
Physical Therapist Assistant License No.
AT 1065**

Respondent.

Case No. 1D-2012-71647

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

Dated: _____

Respondent's Name: _____

Respondent's Signature: _____

Respondent's Mailing

Address: _____

City, State and Zip Code: _____

Respondent's Telephone: _____

Check appropriate box:

- ☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

- ☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

SA2012104949
10875097.DOC

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**JOHN GUS KARAHALIOS, P.T.A.
P.O. Box 13922
Tucson, Arizona 85732
Physical Therapist Assistant License No.
AT 1065**

Respondent.

Case No. 1D-2012-71647

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

Dated: _____

Respondent's Name: _____

Respondent's Signature: _____

Respondent's Mailing
Address: _____

City, State and Zip Code: _____

Respondent's Telephone: _____

Check appropriate box:

- ☐ I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

- ☐ I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

DECLARATION OF SERVICE BY FIRST CLASS CERTIFIED MAIL
AND FIRST CLASS U.S. MAIL

In the Matter of the Accusation Against:

John Gus Karahalios, PTA

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 2005 Evergreen St, Suite 1350, Sacramento, California 95815. I served a true copy of the attached:

STATEMENT TO RESPONDENT; ACCUSATION; REQUEST FOR DISCOVERY;
GOVERNMENT CODE SECTIONS 11507.5; 11507.6; 11507.7; NOTICE OF
DEFENSE FORM (2)

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT No.

John Gus Karahalios, PTA
PO Box 13022
Tucson, AZ 85732

7009 1410 0001 4373 8419

Mara Faust, DAG
Department of Justice
1300 I Street, Suite 125
Sacramento, CA 95814

7009 1410 0001 4373 8402

Said envelopes were then, on May 1, 2012 sealed and deposited in the United States mail in Sacramento, California, the county in which I am employed, as certified mail with the postage thereon fully prepaid, and return receipt requested.

Executed on May 1, 2012 in Sacramento, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

C. Livramento

Cristy Livramento, DECLARANT

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

Exhibit B

23

24

Copy of Certified Return Green Card

25

26

27

28

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:


John Gus Karahalios, PTA
PO Box 13022
Tucson, AZ 85732

2. Article Number
(Transfer from service label)

7009 1410 0001 4373 8419

COMPLETE THIS SECTION ON DELIVERY

A. Signature


☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit D

Certification of Costs: Declaration of Mara Faust

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1D-2012-71647

OAH No. 1D-2012-71647

13 **JOHN GUS KARAHALIOS, P.T.A. P.O.**
14 **Box 13022**
Tucson, Arizona 85732
15 **Physical Therapist Assistant License No.**
AT 1065

CERTIFICATION OF
PROSECUTION COSTS:
DECLARATION OF MARA FAUST

[Business and Professions Code section
2661.3]

16
17 Respondent.

18
19 I, MARA FAUST, hereby declare and certify as follows:

20 1. I am a Deputy Attorney General employed by the California Department of Justice
21 (DOJ), Office of the Attorney General (Office). I am assigned to the Health Quality Enforcement
22 Section in the Civil Division of the Office. I have been designated as the representative to certify
23 the costs of prosecution by DOJ and incurred by the Physical Therapy Board of California in this
24 case. I make this certification in my official capacity and as an officer of the court and as a public
25 employee pursuant to Evidence Code section 664, except for where based on information and
26 belief, I have personal knowledge of the items stated herein. If called to testify, I could and
27 would competently testify thereto.
28

1 2. I represent the Complainant, Rebecca Marco, Executive Officer of the Physical
2 Therapy Board of California, in this action. I was assigned to handle this case on or around
3 February 3, 2012.

4 3. Our Office's computerized case management system reflect that the following persons
5 have also performed tasks related to this matter: Rosemary R. Calderon, Analyst
6 Mara Faust, Deputy Attorney General.

7 4. I am familiar with the time recording and billing practices of DOJ and the procedure
8 for charging the client agency for the reasonable and necessary work performed on a particular
9 case. It is the duty of the time keeping employees to keep track of the time spent and to report
10 that time in DOJ's computerized case management system at or near the time of the tasks
11 performed.

12 5. On February 7, 2013, I requested a billing summary for this case from the Accounting
13 Department of the DOJ. In response, on February 7, 2013, I received a document entitled "Matter
14 Time Activity by Professional Type." I hereby certify that the Matter Time Activity by
15 Professional Type, attached hereto as Exhibit A, and herein incorporated by reference, is a true
16 and correct copy of the billing summary for this matter that I received from the Accounting
17 Department. The summary includes the billing costs incurred by me, as well as other
18 professionals of the DOJ who worked on the matter; and sets forth the tasks undertaken, the
19 amount of time billed for the activity, and the billing rate by professional type. The billing
20 summary is comprehensive of the charges by the Office to the Physical Therapy Board of
21 California through February 1, 2013. It does not include billing for tasks performed after
22 February 1, 2013, up to the date of hearing, including the estimated costs that will be charged to
23 the Physical Therapy Board of California as more fully discussed in paragraph 7 below.

24 6. Based upon the time reported through February 1, 2013, as set forth in Exhibit A,
25 DOJ has billed the Physical Therapy Board of California 609.00 for the time spent working on the
26 above entitled case.

7. In addition to the time set forth above, it is my good faith estimate that the following additional hours were or will be incurred and billed to the Physical Therapy Board of California for the further preparation of the case up to the commencement of the hearing.

<u>Employee/ Position</u>	<u>Fiscal Year</u>	<u>No. of Hours</u>	<u>Hourly Rate</u>	<u>Total Charges</u>
Mara Faust Deputy Attorney General	2012-2013	4.00	170	680.00

Subtotal: \$680.00

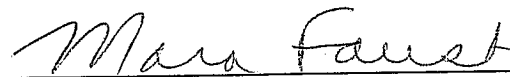
TOTAL COSTS BILLED: \$1,289.00

8. The total costs to be bill in this matter are: \$1,289.00

9. To the best of my knowledge the items of cost set forth in this certification are correct and were necessarily incurred in this case.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on Feb 11, 2013, in the City of Sacramento, California.



MARA FAUST
Deputy Attorney General
Declarant

SA2012104949
declaration of costs.rtf

Exhibit A



Cost of Suit Summary

As of Feb 7, 2013

MatterID: SA2012104949
Description: Karahallos, John Gus, PTA (Acc)
Date Opened: Feb 21, 2012

Total Legal Costs: \$609.00
Cost of Suit: \$0.00
Grand Total: \$609.00

Rate	Hrs Wk'd	Amount
Matter Time Activity Summary		
Analyst		
2011-2012		
\$99.00	1.00	\$99.00
Total For:		2011-2012 \$99.00
Total For:		Analyst \$99.00
Attorney		
2011-2012		
\$170.00	3.00	\$510.00
Total For:		2011-2012 \$510.00
Total For:		Attorney \$510.00
Total Legal Costs		\$609.00

Entry No	Journal Date	Vendor #	Vendor	Schedule	Reference	Amount
Cost of Suit						
* Denotes soft costs which are not included in totals.						

* Denotes soft costs which are not included in totals.

Cost of Suit

Exhibit C

EVIDENCE PACKET

Declaration of Karin J. Thompson

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 MARA FAUST
Deputy Attorney General
4 State Bar No. 111729
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5358
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1D-2012-71647

12 **JOHN GUS KARAHALIOS, P.T.A.**
13 **P.O. Box 13022**
Tucson, Arizona 85732
14 **Physical Therapist Assistant License No.**
AT 1065

DECLARATION OF KARIN J.
THOMPSEN

15 Respondent.

16
17 I, Karin J. Thompson declare:

18 1. I am an Analyst with the Physical Therapy Board Continuing Competency Services.
19 I have personal knowledge of the facts stated herein and, if called as a witness I could and would
20 testify competently to those facts.


21 2. As part of a continuing competency audit, I wrote to the respondent on May 17, 2011
22 and August 31, 2011, at his address of record, requesting that he document his completion of
23 competency hours for the renewal period of December 1, 2008 through November 30, 2010, and
24 that such documentation be sent to the Board within a thirty day period. Respondent never
25 responded to either of my letters. Attached hereto as Exhibit 1 and incorporated herein by
26 reference are the May 17, 2011 and August 31, 2011 letters previously referenced.

27 ///

28 ///

3. Respondent had previously, declared under penalty of perjury, on 12/28/10, when he renewed his Physical Therapist Assistant license, that he had completed the minimum continuing competency hours required by law. Attached hereto as Exhibit 2 and incorporated herein by reference is the December 28, 2010 license renewal which was previously referenced.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed in Sacramento on February 19, 2013.


KARIN J. THOMPSEN
Declarant

SA2012104949
31616571.doc

EXHIBIT 1



Physical Therapy Board of California

STATE AND CONSUMER SERVICES AGENCY - GOVERNOR EDMUND G. BROWN JR.

Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: www.ptbc.ca.gov



May 17, 2011

JOHN GUS KARAHALIOS
P O BOX 13022
TUCSON AZ 85732

Re: Continuing Competency Audit
License Number: AT 1065

Dear Licensee:

The Physical Therapy Board of California (PTBC) has randomly selected you for a continuing competency compliance audit. On your last license renewal application, you certified that you completed at least the minimum continuing competency hours required by Section 1399.91 of Title 16 of the California Code of Regulations. The PTBC is requesting that you submit documentation to demonstrate your compliance. Please complete the enclosed "Continuing Competency Activities and Coursework Checklist" and submit copies of the documents showing completion of your continuing competency hours. **Please mail these documents to the PTBC within 30 days.**

Failure to provide the requested documents can result in action taken against your physical therapist/physical therapist assistant license.

Upon receipt of the requested documents, they will be reviewed to determine your compliance. You will be contacted by the PTBC if any additional documents are needed. If you have any questions regarding this letter, please contact the PTBC at (916) 561-8200.

Sincerely,

A handwritten signature in black ink, appearing to read 'KJ Thompson', written over a horizontal line.

KJ Thompson
Licensing Services



Physical Therapy Board of California

STATE AND CONSUMER SERVICES AGENCY - GOVERNOR EDMUND G. BROWN JR.

Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: www.ptbc.ca.gov



August 31, 2011

John Karahalios
PO Box 13022
Tucson AZ 85732

Re: 2nd Notice of Continuing Competency Audit
License Number: AT 1065

*Record payment
12/25/10
1/6/11*

Dear Licensee:

On May 17, 2011, the Physical Therapy Board of California (PTBC) informed you that you have been randomly selected for a continuing competency audit. This is a second notice to inform you that you are being asked to provide documentation of your compliance with the continuing competency requirements. On your last license renewal application you certified you completed at least the minimum continuing competency hours required by Section 1399.91 of Title 16 of the California Code of Regulations. The PTBC is once again asking that you complete the enclosed "Continuing Competency Activities and Coursework Checklist" and submit copies of the documents showing completion of your continuing competency hours. Please mail these documents to the PTBC within 15 days.

Failure to provide the requested documents can result in action taken against your physical therapist/physical therapist assistant license.

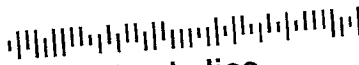
Upon receipt of the requested documents, they will be reviewed to determine your compliance. You will be contacted by the PTBC if any additional documents are needed. If you have any questions regarding this letter, please contact the PTBC at (916) 561-8200.

Sincerely,

KJ Thompson
Application & Licensing Services

enclosure

6925 5492 E000 DEPT 8002

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage &	
 John Karahalios PO Box 13022 Tucson AZ 85732	
Sent To _____ Street, Apt. No., or PO Box No. _____ City, State, ZIP+4 _____	
PS Form 3800, August 2006 See Reverse for Instructions	

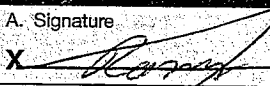

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:  John Karahalios PO Box 13022 Tucson AZ 85732	B. Received by (Printed Name) J KARAHALIOS C. Date of Delivery 5/9/11 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes
7008 1830 0003 7645 5269	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

EXHIBIT 2



Physical Therapy Board of California

STATE AND CONSUMER SERVICES AGENCY - GOVERNOR EDMUND G. BROWN JR.

Physical Therapy Board of California

2005 Evergreen St. Suite 1350, Sacramento, California 95815

Phone: (916) 561-8200 Fax: (916) 263-2560

Internet: www.ptbc.ca.gov EMAIL cps@dca.ca.gov



CERTIFICATION OF RECORDS

I, Rebecca Marco, Executive Officer of the Physical Therapy Board of California, Department of Consumer Affairs, State of California, hereby attest that the documents to which this certificate is affixed are the originals on file with the Physical Therapy Board of California.

A handwritten signature in cursive script that reads 'Rebecca Marco'.

Rebecca Marco
Executive Officer

Date: January 26, 2012

Board Seal

CERTIFICATE OF APPROVAL RENEWAL APPLICATION
PHYSICAL THERAPIST ASSISTANT

19/04/10

19/07/10

STOP - FAILING TO SIGN AND ANSWER ALL QUESTIONS ON THIS FORM WILL
VY YOUR LICENSE RENEWAL AND PROHIBIT YOU FROM PRACTICING AFTER
L NSE EXPIRATION.

PHYSICAL THERAPY BOARD OF CALIFORNIA

LICENSE NO
AT 1065

LICENSE EXPIRES
11/30/10

AMOUNT DUE
NOW
\$200.00

AMOUNT DUE IF
POSTMARKED AFTER
12/30/10

\$300.00

ACTIVE

JOHN GUS KARAHALIOS
P O BOX 13022
TUCSON AZ 85732

MANDATORY CONVICTION DISCLOSURE QUESTION

Since you last renewed your license, have you has any license disciplined
by a government agency or other disciplinary government agency or other
disciplinary body; or, have you been convicted of any crime in any state
state, the USA or its territories, military court or a foreign country?
PLEASE READ INSTRUCTIONS BEFORE ANSWERING

F. YES ☐

G. NO ☒

I DELCARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT
Signature [Signature] Date 12/28/10

Continuing Competency Compliance Question:

By signing in this box, I certify that I have accumulated at least the minimum
continuing competency hours required by Section 1399.91 of the Title 16
of the California Code of Regulations within my renewal period and prior
to my license/expiration date. If I am audited by the PTBC, I can submit
evidence of my completion of the continuing competency hours.

I DELCARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE
STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT

D. Signature [Signature] Date 12/28/10

B. ☐ I am requesting to place my licenses in an inactive Status

68000120000120009000010652011130100002000000030000